

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**BELL CHYUR LAIW, M.D. )**

**Case No. 800-2015-016344**

**Physician's and Surgeon's )  
Certificate No. A30756 )**

**Respondent )  
\_\_\_\_\_ )**

**DECISION**

**The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on April 16, 2019**

**IT IS SO ORDERED April 9, 2019 .**

**MEDICAL BOARD OF CALIFORNIA**

**By:**

  
**Kimberly Kirchmeyer  
Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 EDWARD KIM  
Deputy Attorney General  
4 State Bar No. 195729  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6000  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **BELL CHYUR LAIW, M.D.**

13 Physician's and Surgeon's,  
14 Certificate No. A 30756

15 Respondent.

Case No. 800-2015-016344

OAH No. 2018090371

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
17 entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
20 of California (Board). She brought this action solely in her official capacity and is represented in  
21 this matter by Xavier Becerra, Attorney General of the State of California, by Edward Kim,  
22 Deputy Attorney General.

23 2. Bell Chyur Laiw, M.D. (Respondent) is represented in this proceeding by attorney  
24 Michael D. Gonzalez, whose address is: 101 N. Brand Boulevard, Suite 1880, Glendale, CA  
25 91203.

26 3. On or about February 23, 1977, the Board issued Physician's and Surgeon's  
27 Certificate No. A 30756 to Bell Chyur Laiw, M.D. (Respondent). The Physician's and Surgeon's  
28 Certificate was in full force and effect at all times relevant to the charges brought in Accusation

No. 800-2015-016344 and will expire on January 31, 2021, unless renewed.

### **JURISDICTION**

4. Accusation No. 800-2015-016344 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 29, 2018. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2015-016344 is attached as Exhibit A and incorporated by reference.

### **ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-016344. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

### **CULPABILITY**

8. Respondent understands that the charges and allegations in Accusation No. 800-2015-016344, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those

1 charges.

2 10. Respondent understands that by signing this stipulation he enables the Board to issue  
3 an order accepting the surrender of his Physician's and Surgeon's Certificate without further  
4 process.

### 5 CONTINGENCY

6 11. This stipulation shall be subject to approval by the Board. Respondent understands  
7 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
8 with the Board regarding this stipulation and surrender, without notice to or participation by  
9 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
10 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
11 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
12 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
13 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
14 be disqualified from further action by having considered this matter.

15 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
16 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
17 thereto, shall have the same force and effect as the originals. This stipulation encompasses the  
18 entire agreement of the parties, and supersedes all previous understandings and agreements  
19 between the parties, whether oral or written.

20 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
21 the Board may, without further notice or formal proceeding, issue and enter the following Order:

### 22 ORDER

23 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 30756, issued  
24 to Respondent Bell Chyur Laiw, M.D., is surrendered and that surrender is accepted by the Board.

25 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the  
26 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
27 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
28 of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2015-016344 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2015-016344 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

## ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

BELL CHYUR LAIW, M.D.  
*Respondent*

I have read and fully discussed with Respondent Bell Chyur Laiw, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

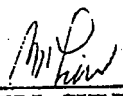
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5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2015-016344 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

#### ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 3/3/2019


  
BELL CHYUR LAIW, M.D.  
Respondent

I have read and fully discussed with Respondent Bell Chyur Laiw, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I

1 approve its form and content.

2 DATED:

3-8-19

  
MICHAEL D. GONZALEZ  
*Attorney for Respondent*

4  
5 **ENDORSEMENT**

6 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
7 for consideration by the Medical Board of California of the Department of Consumer Affairs.

8 Dated:

Respectfully submitted,

9 XAVIER BECERRA  
10 Attorney General of California  
11 E. A. JONES III  
12 Supervising Deputy Attorney General

13 EDWARD KIM  
14 Deputy Attorney General  
15 *Attorneys for Complainant*

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1 approve its form and content.

2 DATED: \_\_\_\_\_

MICHAEL D. GONZALEZ  
*Attorney for Respondent*

3  
4  
5 **ENDORSEMENT**

6 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
7 for consideration by the Medical Board of California of the Department of Consumer Affairs.

8 Dated:

Respectfully submitted,

9 XAVIER BECERRA  
10 Attorney General of California  
11 E. A. JONES III  
12 Supervising Deputy Attorney General



13 EDWARD KIM  
14 Deputy Attorney General  
15 *Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2015-016344**

1 XAVIER BECERRA  
2 Attorney General of California  
3 E. A. JONES III  
4 Supervising Deputy Attorney General  
5 EDWARD KIM  
6 Deputy Attorney General  
7 State Bar No. 195729  
8 California Department of Justice  
9 300 So. Spring Street, Suite 1702  
10 Los Angeles, CA 90013  
11 Telephone: (213) 269-6540  
12 Facsimile: (213) 897-9395  
13 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 29, 2018  
BY: [Signature] ANALYST

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case Nos. 800-2015-016344

BELL C. LAIW, M.D.  
43851 Old Harbour Dr.  
Bermuda Dunes, CA 92203-1630

ACCUSATION

Physician's and Surgeon's  
Certificate No. A30756,

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).
2. On or about February 23, 1977, the Medical Board issued Physician's and Surgeon's Certificate Number A30756 to Bell C. Laiw, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2019, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise

1 indicated.

2 4. Section 2227 of the Code provides that a licensee who is found guilty under the  
3 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
4 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
5 action taken in relation to discipline as the Board deems proper.

6 5. Section 2234 of the Code states:

7 "The board shall take action against any licensee who is charged with unprofessional  
8 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
9 limited to, the following:

10 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
11 violation of, or conspiring to violate any provision of this chapter.

12 "(b) Gross negligence.

13 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
14 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
15 the applicable standard of care shall constitute repeated negligent acts.

16 "(1) An initial negligent diagnosis followed by an act or omission medically appropriate  
17 for that negligent diagnosis of the patient shall constitute a single negligent act.

18 "(2) When the standard of care requires a change in the diagnosis, act, or omission that  
19 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
20 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
21 applicable standard of care, each departure constitutes a separate and distinct breach of the  
22 standard of care.

23 "(d) Incompetence.

24 "..."

25 6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain  
26 adequate and accurate records relating to the provision of services to their patients constitutes  
27 unprofessional conduct."

28 7. Section 2261 of the Code states: "Knowingly making or signing any certificate or

1 other document directly or indirectly related to the practice of medicine or podiatry which falsely  
2 represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct."

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 8. Respondent is subject to disciplinary action under Code section 2234, subdivision (b),  
6 in that he committed gross negligence. Each of Respondent's actions and/or omissions described  
7 herein, individually, collectively, or in any combination thereof, constitutes an extreme departure  
8 from the standard of care. The circumstances are as follows:

9 **Patient A**

10 9. On or about March 25, 2014, Respondent saw Patient A,<sup>1</sup> a 13-year-old female with a  
11 complaint of a three day old sore throat and one day of fever. During the visit, Respondent poked  
12 the patient's lower stomach and breast and stated, "Don't be kissing boys." Respondent's chart  
13 note for the visit included a notation regarding a pelvic and a rectal examination. However, when  
14 interviewed by an Health Quality Investigations Unit ("HQIU") investigator, he admitted that he  
15 did not perform a pelvic or rectal examination.

16 10. On or about March 25, 2014, and thereafter, Respondent committed gross negligence  
17 when he documented that he performed a pelvic and a rectal examination on Patient A when he  
18 did not in fact perform such examinations.

19 **Patient B**

20 11. On or about May 25, 2016, Respondent saw Patient B, a 17-year-old female with a  
21 complaint of head trauma after a car accident. During the visit, Respondent told the patient that  
22 she was "huge" and emphasized the word with his hands. Respondent's chart note for the visit  
23 included a notation regarding a pelvic and a rectal examination. However, when interviewed by  
24 an HQIU investigator, he admitted that he did not perform a pelvic or rectal examination.

25 12. On or about May 25, 2016, Respondent committed gross negligence when he  
26 documented that he performed a pelvic and a rectal examination on Patient B when he did not in  
27 fact perform such examinations.

28 <sup>1</sup> Patient initials are used based on privacy concerns.

**Patient C**

13. On or about August 22, 2013, Respondent began seeing Patient C, a 12-year-old female and he continued to see her until on or about October 2015. During this time, Respondent poked Patient C in her pubic area over her clothes. In addition, his medical records for his patient encounters with Patient C failed to accurately reflect the actual examinations Respondent performed on Patient C, and he conflated the patient's review of systems with his physical examinations of her.

14. On or about August 22, 2013 and thereafter (including, without limitation, on or about October 1, 2015), Respondent committed gross negligence when he documented that he performed a genitalia and a rectal examination on Patient C (reporting normal findings) when he did not in fact perform such examinations.

15. On or about August 22, 2013 and thereafter, Respondent committed gross negligence when he poked Patient C in the pubic area.

**Patient D**

16. Beginning on or about August 1, 2013, Respondent began seeing Patient D, a 13-year-old female and he continued to see her until in or around November 2015. During this time, Respondent grabbed Patient D's breasts and uttered the words, "these are hamburgers." Respondent admitted to saying the word "hamburgers" but alleges that the context related to teaching the patient about healthy eating habits. In addition, his medical records for his patient encounters with Patient D failed to reflect accurately the actual examinations Respondent performed on Patient D, and he conflated the patient's review of systems with his physical examinations of her.

17. On or about August 1, 2013 and thereafter (including, without limitation, on or about January 5, 2015, May 11, 2015, and November 10, 2015), Respondent committed gross negligence when he documented that he performed a genitalia examination on Patient D when he did not in fact perform such examination.

18. On or about August 1, 2013, and thereafter, Respondent was grossly negligent when he grabbed Patient D's breasts without a medical indication.

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1 state of facts, and Respondent failed to maintain adequate and accurate records related to the  
2 provision of medical services to a patient. The circumstances are as follows:

3 26. The allegations of the First and Second Causes for Discipline, inclusive, are  
4 incorporated herein by reference as if fully set forth.

5 27. Respondent failed to adequately document his medical care for the patients.

#### 6 **FOURTH CAUSE FOR DISCIPLINE**

##### 7 **(General Unprofessional Conduct)**

8 28. Respondent is subject to disciplinary action under Code section 2234, in that his  
9 actions and/or omissions represent unprofessional conduct, generally. The circumstances are as  
10 follows:

11 29. The allegations of the First, Second and Third Causes for Discipline are incorporated  
12 herein by reference as if fully set forth.

#### 13 **DISCIPLINE CONSIDERATIONS**

14 30. To determine the degree of discipline, if any, to be imposed on Respondent,  
15 Complainant alleges that that effective on or about January 5, 2004, in a prior disciplinary action  
16 entitled, *In the Matter of the Accusation Against Bell C. Laiw, M.D.* before the Medical Board of  
17 California, in Case No. is 18-1999-098805, Respondent's license was revoked, the revocation  
18 was stayed and Respondent was placed on probation for three year with terms and conditions.  
19 That decision is final and is incorporated by reference as if fully set forth. Respondent completed  
20 probation in 2006.

#### 21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Medical Board of California issue a decision:

24 1. Revoking or suspending Physician's and Surgeon's Certificate Number A30756,  
25 issued to Bell C. Laiw, M.D.;

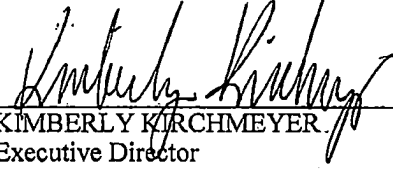
26 2. Revoking, suspending or denying approval of Bell C. Laiw, M.D.'s authority to  
27 supervise physician assistants and advanced practice nurses;

28 3. Ordering Bell C. Laiw, M.D., if placed on probation, to pay the Board the costs of

1 probation monitoring; and

2 4. Taking such other and further action as deemed necessary and proper.

3  
4 DATED: June 29, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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